

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THOMAS PASSARGE, : CASE NO. C-1-01-239  
Plaintiff, :  
v. : JUDGE SPIEGEL  
SHAREFAX CREDIT UNION, INC., *et al.*, : **PLAINTIFF'S UNOPPOSED MOTION TO**  
Defendants. : **EXTEND TIME TO RESPOND TO**  
: **DEFENDANTS' MOTION FOR COSTS**  
: **PURSUANT TO FEDERAL RULE OF**  
: **CIVIL PROCEDURE 54(d)(1)**

For the reasons set forth in the attached Memorandum, Plaintiff respectfully requests an extension to October 13, 2003 in which to respond to Defendants' Motion for Costs pursuant to Federal Rule of Civil Procedure 54(d)(1).

An Agreed Order granting this extension is attached.

Respectfully submitted,

s/ Martin McHenry  
**MARTIN McHENRY (0022543)**  
Trial Attorney for Plaintiff  
HAVERKAMP, BRINKER, REBOLD &  
RIEHL CO., L.P.A.  
5856 Glenway Avenue  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF OHIO  
 WESTERN DIVISION

|  |   |   |
|--|---|---|
| THOMAS PASSARGE,                             | : | CASE NO. C-1-01-239                           |
| Plaintiff,                                   | : | JUDGE SPIEGEL                                 |
| v.   | : | <b><u>MEMORANDUM IN SUPPORT OF</u></b>        |
| SHAREFAX CREDIT UNION, INC., <i>et al.</i> , | : | <b><u>PLAINTIFF'S UNOPPOSED MOTION TO</u></b> |
| Defendants.                                  | : | <b><u>EXTEND TIME TO RESPOND TO</u></b>       |
|  | : | <b><u>DEFENDANTS' MOTION FOR COSTS</u></b>    |
|  | : | <b><u>PURSUANT TO FEDERAL RULE OF</u></b>     |
|  | : | <b><u>CIVIL PROCEDURE 54(d)(1)</u></b>        |

On July 23, 2003, this Court entered its Judgment and Order granting Defendants' Motion for Summary Judgment as to Plaintiff's federal claims, dismissing same with prejudice, but dismissing without prejudice his remaining state law claims.

Plaintiff thereafter filed a Notice of Appeal.

Defendants filed their Motion for Costs in the amount of \$6,019.23.

Plaintiff respectfully submits that this Court should grant his request for an extension for the following reasons:

First, Defendants have agreed to this modest extension. An Agreed Order to that effect is attached.

Second, this modest extension would better enable Plaintiff's counsel to more fully address the issues raised by Defendants' Motion. By allowing Plaintiff's counsel this opportunity, the extension is in the interest of justice.

Third, granting the request for a modest extension would not in any way interfere with the efficient administration of justice.

For all the foregoing reasons, Plaintiff respectfully requests that this Court grant the attached Motion.

Respectfully submitted,

s/ Martin McHenry  
**MARTIN McHENRY (0022543)**  
Trial Attorney for Plaintiff  
HAVERKAMP, BRINKER, REBOLD &  
RIEHL CO., L.P.A.  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was served on Michael S. Glassman, Esq., Trina Walton, Esq., Attorneys for Defendants, Dinsmore & Shohl, 255 East Fifth Street, 1900 Chemed Center, Cincinnati, OH 45202, via regular United States mail, this 29th day of September, 2003.

s/ Martin McHenry  
**MARTIN McHENRY (0022543)**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|  |   |                            |
|--|---|----------------------------|
| THOMAS PASSARGE,                             | : | CASE NO. C-1-01-239        |
| Plaintiff,                                   | : | JUDGE SPIEGEL              |
| v.   | : | <b><u>AGREED ORDER</u></b> |
| SHAREFAX CREDIT UNION, INC., <i>et al.</i> , | : |                            |
| Defendants.                                  | : |                            |

Upon agreement of counsel for the parties, and for good cause shown, Plaintiff shall have until October 13, 2003 in which to respond to Defendants' Motion for Costs pursuant to Federal Rule of Civil Procedure 54(d)(1).

IT IS SO ORDERED.

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Judge Speigel  
United States District Judge

AGREED:

s/ Martin McHenry  
**MARTIN McHENRY (0022543)**  
Trial Attorney for Plaintiff  
HAVERKAMP, BRINKER, REBOLD &  
RIEHL CO., L.P.A.  
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s/ Michael S. Glassman

s/ Trina Walton

**MICHAEL S. GLASSMAN (0012713)**

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